

14 CV 3625

JS 44C/SDNY
REV. 4/2014

JUDGE BRODERICK CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

ADELAIDO GALEANA and NICOLAS GALEANA, individually and on behalf of others similarly situated,

DEFENDANTS

MAHASAN INC. (d/b/a ENTHAICE) and JUNTIMA NETPRACHAK,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Michael A. Faillace, MICHAEL FAILLACE & ASSOCIATES, P.C.
60 East 42nd Street, suite 2020, New York, New York 10165
Telephone: (212) 317-1200

ATTORNEYS (IF KNOWN)

MAY 20 2014

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiffs seek unpaid overtime wages pursuant to The Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL			[] 450 COMMERCE
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY			[] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY				ENCED & CORRUPT
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY		PROPERTY RIGHTS	ORGANIZATION ACT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT			[] 820 COPYRIGHTS	(RICO)
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD		[] 830 PATENT	[] 480 CONSUMER CREDIT
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING		[] 840 TRADEMARK	[] 490 CABLE/SATELLITE TV
STUDENT LOANS	[] 355 MOTOR VEHICLE				
(EXCL VETERANS)	PRODUCT LIABILITY			SOCIAL SECURITY	[] 850 SECURITIES/
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	[] 861 HIA (1395f)	COMMODITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	EXCHANGE
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY
[] 160 STOCKHOLDERS			RELATIONS	[] 865 RSI (405(g))	ACTIONS
SUITS		PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT		[] 891 AGRICULTURAL ACTS
[] 190 OTHER		[] 483 ALIEN DETAINEE	[] 751 FAMILY MEDICAL		
CONTRACT	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO	LEAVE ACT (FMLA)	FEDERAL TAX SUITS	
[] 195 CONTRACT	CIVIL RIGHTS	VACATE SENTENCE	[] 790 OTHER LABOR	[] 870 TAXES (U.S. Plaintiff or	[] 893 ENVIRONMENTAL
PRODUCT		28 USC 2255	LITIGATION	Defendant)	MATTERS
LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 781 EMPL RET INC	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF
[] 198 FRANCHISE	(Non-Prisoner)	[] 535 DEATH PENALTY	SECURITY ACT	26 USC 7609	INFORMATION ACT
		[] 540 MANDAMUS & OTHER			[] 896 ARBITRATION
REAL PROPERTY			IMMIGRATION		[] 899 ADMINISTRATIVE
[] 210 LAND	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 482 NATURALIZATION		PROCEDURE ACT/REVIEW OR
CONDEMNATION	[] 442 EMPLOYMENT		APPLICATION		APPEAL OF AGENCY DECISION
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION		[] 950 CONSTITUTIONALITY OF
[] 230 RENT LEASE &	ACCOMMODATIONS	[] 555 PRISON CONDITION	ACTIONS		STATE STATUTES
EJECTMENT	[] 445 AMERICANS WITH	[] 560 CIVIL DETAINEE			
[] 240 TORTS TO LAND	DISABILITIES -	CONDITIONS OF CONFINEMENT			
[] 245 TORT PRODUCT	EMPLOYMENT				
LIABILITY	[] 446 AMERICANS WITH				
[] 280 ALL OTHER	DISABILITIES -OTHER				
REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23
DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] DEF []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] DEF []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] DEF []
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Adelaido Galeana : 332 E. 151st St. Bronx, NY 10451(Bronx County)

Nicolas Galeana: 332 E. 151st St. Bronx, NY 10451(Bronx County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

MAHASAN INC. (d/b/a ENTHAICE): 1598 Third Avenue, New York, New York 10128 (NY County)

JUNTIMA NETPRACHAK: 1598 Third Avenue, New York, New York 10128 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 5/20/2014 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. Feb Yr. 1985)
 Attorney Bar Code # MF-8436

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)